

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by Prior Reference
Vote:	6 - 1 - 0
Yeas:	Beyer, Cannon, Jenson, Macpherson, Smith G., Dingfelder
Nays:	Burley
Exc.:	-
Prepared By:	Cat McGinnis, Administrator
Meeting Dates:	2/5, 2/26

WHAT THE MEASURE DOES: Establishes nonrefundable fee of \$350 for submitting a wetland delineation report for review by the Department of State Lands. Establishes fee of \$100 for review of a report revised to replace a rejected report. Credits fees to the Common School Fund. Beginning January 1, 2009, provides for annual fee increase by order of the director, based on the Consumer Price Index and rounded to the nearest dollar with the revised fee effective January 1 and applicable to that calendar year. Declares an emergency, effective July 1, 2007.

ISSUES DISCUSSED:

- Suggestion that annual increase be based on consumer price index and be rounded to nearest dollar
- Percent of wetland delineation reports rejected and agency cost of “go-backs” to correct reports
- DSL workload prioritization by reviewing wetland delineation reports submitted with a permit application before those submitted without; resulting delays for reports submitted early in a project
- Concerns about Common School Fund covering portion of DSL program costs
- Absence of sunset provision for annual fee increase

EFFECT OF COMMITTEE AMENDMENT:

- Indexes annual fee increase to Consumer Price Index and allows increase by order of the director
- Establishes 120-day timeline for review of wetland delineation reports
- Revises, from \$350 to \$100, the fee for review of a wetland delineation report revised to replace a rejected report

BACKGROUND: Private consultants prepare wetland delineation reports to obtain DSL verification of wetland boundaries for land development or other projects. The reports identify the location and extent of all waters of the state potentially subject to state permit requirements. Reports can be submitted to DSL with or without a removal-fill permit application, but a permit is often required for the project. Landowners and developers often submit the report early in the planning process to verify wetland boundaries before development in order to minimize or avoid wetland impacts. Local governments may require DSL concurrence with a wetland report before allowing property to be divided or developed. DSL reviews approximately 430 delineation reports annually at no cost to the applicant. DSL currently manages workload by giving priority to reports submitted with a removal-fill application (generally submitted late in the development process). As a result, reports submitted early in the development process do not receive timely review. The proposed Wetland Delineation Report fee would finance two additional wetland specialist positions to review reports.